

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25583 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondent-National Highway Authority of India, in conducting survey of the land abutting the National Highway No.5, belonging to the petitioners to an extent of Ac.6.20 cents in Sy.Nos.150/1 and 150/4 situated at Lankalapalem village, Parawada Mandal, Visakhapatnam district, as arbitrary and illegal.

This Court while directing notice by order dated 7.12.2007, ordered that *status quo* obtaining as on that date as to the nature and possession of the property in question shall be maintained.

Pursuant thereto, a counter affidavit has been filed on behalf of the 1st respondent denying the allegations that the staff of the respondents entered into the land of the petitioner for the purpose of survey without issuing any notice to the petitioners. It is further stated as under.

“ The land of the petitioners as mentioned above is not at all required to the National Highways Authority of India as on this date. As such, the Authorities under the NHAI had never entered into the petitioners land for conducting survey as the same is not required by NHAI for acquisition.

It is submitted that if any land is required for NHAI, the procedure under the National Highways Act would be followed for the purpose of acquisition. Without following the procedure contemplated under the Act, NHAI would not enter into the land of the petitioners.”

From the averments in the counter affidavit it is clear that the land of the petitioners is not required for any acquisition by the National Highways Authority of India. The undertaking given by the respondents that in case the said land is required they would follow the procedure contemplated under the National Highways Act, 1956 is

placed on record and the writ petition is accordingly, disposed of. No costs.

(G. ROHINI).

8th June, 2007.
Kgr

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WRIT PETITION No.25583 OF 2006

8th June, 2007.

Between:

Karanamreddi Narasinga Rao and others.
Petitioners.

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And

National Highway Authority of India,
represented by its Project Director,
Near Old Dairy, Gajuwaka, Visakhapatnam
and others.

.. Respondents.